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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/712,576	11/14/2000	Ryo Yoshida	JA999144	9735

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EXAMINER
BRUCKART, BENJAMIN R

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action · Before the Filing of an Appeal Brief	Application No. 09/712,576	Applicant(s) YOSHIDA, RYO	
	Examiner Benjamin R. Bruckart	Art Unit 2155	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>23 June 2006</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   · Claim(s) allowed: <u>None</u>.

   Claim(s) objected to: <u>None</u>.

   Claim(s) rejected: <u>1-20</u>.

   Claim(s) withdrawn from consideration: <u>None</u>.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.

13. ☐ Other: _____.

SALEH NAJJAR
SUPERVISORY PATENT EXAMINER

U.S. Patent and Trademark Office
PTOL-303 (Rev. 7-05)   Advisory Action Before the Filing of an Appeal Brief   Part of Paper No. 20060725

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments are fully considered but are not persuasive. The examiner will point out the differences in view and make suggestions to direct applicant's claims to more distinguishing language.

Argument 1, is that the three dimensional model data is a view that is not taught in the prior art.
The examiner contends that Martenson anticipates the claim language. The claims recites many things concerning three-dimensional model data but does not recite a 'view'. The term view is not present in any of the claims. The data transmitted, registered, rendered, and updated is the three-dimensional model data as taught in Martenson with respect to the VRML. The term 'three dimensional model data' is broadly claimed and can be virtually anything associated with the three-dimensional model. All the data utilized in Martenson is data concerned with remote control of the device and is associated with the three-dimensional model data. The claim limitation in question is the 'update data.' It is defined for 3-d model data. This is broad and open to interpretation. Martenson teaches updated options viewed by the clients is a list of options for the clients control but the data is indeed associated with the three dimensional model data because these options change based on the status or data from the server and are updated (col. 11, lines 15-67). While three dimensional data is rendered and updated, it is still displayed on a 2-d dimensional screen just like the list of options.

Applicant is encouraged to further define the claims here to further clarify and emphasis the data for the 3-d view and define the relationship to the 'update data' whether it is control or graphical.

Argument 2, with respect to claim 2, applicant says there is no disclosure regarding the options database update being done as a result of anything.
	Martenson teaches updated data is transmitted back to the client continuously over the life of a session of remote control from a client (Martenson: col. 4, lines 10-34). Martenson teaches the interface and options/operations are very much based on the input the client or user has made (col. 11, line 15- col. 12, lines 60).

Argument 3, with respect to claim 3, applicant argues the three-dimensional model data to reflect the current state of the device is not a 2-d list.
	Again similarly to claim 1, the three-dimensional model data here it not a view. It is a data about the three-dimensional model, which is a list of options the user can make regarding the device. Martenson does teach a view in col. 17, lines 1-3 where it is shown a 3-d model data is used to show the status of the device so the user can see how its functioning. Implying its functions statuses change and the user can inspect it.

Argument 4, with respect to claim 19, applicant argues a second client and recording/replaying module.
	Martenson teaches "clients" perform platform interdependent network management using browser software. This plurality of clients is used to show more than one client, thereby a second client. Martenson further reinforces the idea by providing a login and password for users who access the system (col. 6, lines 19-24). The claims do not specify the replaying or recording is three-dimensional or that the client can perform a three dimensional event. The claims do not recite any more details such a simultaneous or cooperative management of the device.

Argument 5, with respect to claim 4, applicant argues the second client and multiple clients sharing control.
	The claims do not recite shared control. Control isn't even mentioned till claim 5 and it is not even interpreted as control of device but more of current state of the device. Martenson teaches first and second clients with different browsers and login usernames/passwords. Col. 10, lines 30-45 show guests can view the data same as operators and supervisors, but operators and supervisors can manipulate the device.
If applicant means shared control over the device it is recommended to clarify that in the claim language.

Argument 6, with respect to claim 6, applicant argues there is not client at a customer support center.
	Martenson teaches the client is being used to support and troubleshoot the device for problems or manages the device through its configuration (col. 9, lines 34-62). A customer support center as described in the specification is performing the same tasks as the client taught in Martenson. Col. 13, lines 20-27 is cited as it provides support as it informs of problems to an administrator (client).

Argument 7, applicant argues similar features of claims 1 and 4.
	The arguments are addressed in detail above but again the three-dimensional model data is data about the 3-d model. Martenson through the use of the VRML shows geometric data. Applicant claims a server comprising a terminal device, 3-d model data, and a recording/replaying model. The geometrical data represents the terminal device and the operating data from the client (commands). Again while 3-d model data is rendered, it is still displayed on a two-dimensional screen like a graph.

Argument 8, applicant argues the recording/replay software to record the operation event.
The claims do not specify the replaying or recording is three-dimensional or that the client can perform a three dimensional event. The claims do not recite any more details such a simultaneous or cooperative management of the device..